

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, January 24, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Alderman Benjamin K. Mallicote

Alderman Michael McIntire

Vice Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Jeff Fleming, Assistant City Manager for Development.
- II.B. **INVOCATION:** By Richard Dice, Pastor – Christ Church.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips informed County Commissioner James Brotherton that the City is addressing the issue of moving a sign in Colonial Heights to accommodate recent annexations.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Mallicote/Joh, to approve minutes for the following meetings:

A. January 9, 2012 Regular Work Session

B. January 10, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for Annexation Annual Plan of Services Report** (AF: 10-2012). City Planner Ken Weems gave a brief presentation on this item, noting that the city is well within the allotted times for providing *all required services* to these seven annexations.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

**PUBLIC COMMENT ON ITEM VI.AA.1.** Mr. James Brotherton, 204 Patrick Henry Circle, commented on problems with brush pickup in the Blountville area. Mayor Phillips provided further explanation on this issue and stated it will be addressed.

**2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Border Regions Area 1 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 22-2012).** City Planner Ken Weems provided details on this item as well as the next two items, noting a public meeting was held on December 12, 2011 with 40 participants present and lots of information disseminated. He further noted sewer and water upgrades would be required. Mr. Weems informed the Board that the Planning Commission voted to send a positive recommendation to annex all three areas. Alderman Mallicote commented he would like for the Planning Commission to consider rezoning area one to A1 agriculture rather than M1R.

**PUBLIC COMMENT ON ITEM VI.AA.2.** Mr. James Brotherton commented in opposition of the annexation, stating there was a need to protect the Sullivan South school zone as well as the farmers.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, BOB JOBE ROAD, EASTERN STAR ROAD, AND BACON ROAD TO A-1, AGRICULTURAL DISTRICT, AND M-1R, LIGHT INDUSTRIAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2012-127,** A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE BORDER REGIONS AREA 1 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

**3. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Border Regions Area 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 23-2012).** See Item VI.AA.2.

**PUBLIC COMMENT ON ITEM VI.AA.3.** Mr. Jim Bledsoe, 1024 Mitchell Road asked questions regarding the installation of sewer to this area. City Manager Campbell confirmed there was not a state law that designated a time limit for sewer installation. Mr. Campbell also stated that the plan of services was only a commitment to the residents in this area for sewer service. At the Mayor's request, Alderman McIntire explained the benefits of the border region as defined by state law.

Mr. Larry Wilson, 1806 Fordtown Road, commented on the tax incentive issue. Mr. Campbell clarified that businesses in this area would still have the same sales tax, but a greater percentage of the taxes would go back to the development rather than the state.

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2012-128,** A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE BORDER REGIONS AREA 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**4. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Border Regions Area 3 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 24-2012).** See Item VI.AA.2.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

**PUBLIC COMMENT ON ITEM VI.AA.4.** Mr. Larry Wilson, 1806 Fordtown Road, commented in opposition of this annexation. Mr. Wilson asked several questions which were answered by various board members.

Mr. Martin Hale, 1207 Mitchell Road, commented in opposition of this annexation.

Mr. Jim Fink, Hidden Valley Road, commented in opposition of this annexation.

Ms. Mary Lou Wilson, 1806 Fordtown Road, stated she was concerned about sufficient police protection in annexed areas. She spoke in opposition of this annexation.

Mr. David Hale, 1227 Mitchell Road, commented on additional city taxes and spoke in opposition of this annexation. City Manager Campbell restated the benefits of being annexed. Vice-Mayor Parham noted this was an investment in the future of Kingsport.

Ms. Janice Gamble, Fordtown Road, asked questions about water and sewer usage and billing.

Ms. Mitzi Cox, 808 Cox Hollow Road, voiced concerns about burn permits and brush pickup, noting there were areas where the city and county needed to collaborate. She also spoke in opposition of this annexation.

Ms. Cox, 1009 Cox Hollow Road asked questions about land designation.

Alderman Shupe stated no one could question the heart or wisdom of the Mayor or Board members, noting this has been a lengthy process that involved the Planning Commission. He did mention concern at the number of questions this close to a vote. City Manager Campbell commented on the public meeting that was held, noting there was a lot of conversation and questions answered. Vice-Mayor Parham pointed out the fact that this being the last undeveloped intersection in Tennessee would drive development, noting it was inevitable and we needed a smart growth plan. Alderman Joh noted it was the intelligent thing to do and after 40 years in real estate the property would be worth more. Mayor Phillips stated there was a fear of the unknown but the city could not risk this window of opportunity closing. He further stated if you live in the urban growth boundary of any city, you will probably be annexed at some point in time.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 3 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

Motion/Second: Joh/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, FORDTOWN ROAD, SNAPPS FERRY ROAD, COX HOLLOW ROAD, AND INTERSTATE 81 TO A-1, AGRICULTURAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2012-129**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE BORDER REGIONS AREA 3 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Appropriate Funds to Purchase Furniture and Equipment for the East Stone Drive Fire Station (AF: 14-2012).**

Motion/Second: Shupe/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS TO COMPLETE THE FURNISHINGS FOR THE E. STONE DRIVE FIRE STATION FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of an Ordinance to Amend Zoning of Parcel 098.01 on Tax Map 078 Located along Airport Parkway and Jericho Drive from TA Zoning to B-3 Zoning (AF: 4-2012).**

Motion/Second: Shupe/McIntire, to pass:

**ORDINANCE NO. 6165**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG AIRPORT PARKWAY AND JERICHO DRIVE FROM TA, TOURIST ACCOMMODATION DISTRICT TO B-3, GENERAL BUSINESS DISTRICT IN THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the  
Kendrick Creek Part B Annexation (AF: 1-2012).**

Motion/Second: Parham/McIntire, to pass:

**ORDINANCE NO. 6166**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE KENDRICK CREEK PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: Joh/McIntire, to pass:

**ORDINANCE NO. 6167**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG KENDRICK CREEK ROAD AND SUMMERVILLE ROAD TO A-1, AGRICULTURAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to  
Execute a Communication System Easement with United Telephone – Southeast,  
Inc. (AF: 18-2012).**

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2012-130**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COMMUNICATION SYSTEM EASEMENT WITH UNITED TELEPHONE – SOUTHEAST, INC.

Passed: All present voting "aye."

**2. Consideration of a Resolution Awarding the Bid for the  
Purchase of One (1) Single Cab/Chassis Bituminous Distributor to Smoky  
Mountain Truck Center, LLC (AF: 19-2012).** City Manager Campbell noted that parts being replaced are thirty years old.

Motion/Second: McIntire/Shupe, to pass:

**Resolution No. 2012-131**, A RESOLUTION AWARDING THE BID FOR PURCHASE

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

OF ONE SINGLE CAB/CHASSIS BITUMINOUS DISTRIBUTOR TO SMOKY MOUNTAIN TRUCK CENTER, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**3. Consideration of a Resolution to Amend the Agreement with Eastman Chemical Company to Receive Property for the Construction of the Kingsport Aquatic Center and to Authorize the Mayor to Sign All Documents Necessary and Proper to Execute the Agreement (AF: 20-2012).** City Attorney Billingsley provided information on this item, noting there had been a revision to the resolution regarding the description of the property. He pointed out that due to issues with the wetlands, the boundaries have been adjusted and the total acreage is 15.2 acres rather than 15.8. Mr. Billingsley stated the closing date has been re-established as January 31, 2012, the property description has been adjusted in accordance with the plat and a right of way has been included on the map.

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2012-132, A RESOLUTION AMENDING THE AGREEMENT WITH EASTMAN CHEMICAL COMPANY TO RECEIVE PROPERTY FOR THE CONSTRUCTION OF THE KINGSFORT AQUATIC CENTER; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED OF GIFT WITH EASTMAN CHEMICAL COMPANY; EXECUTE AN OPTION AGREEMENT; AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT**

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Amend the Agreement with Cain, Rash, West Architects for Architectural Services for Phases II and III of the Kingsport Farmer's Market (AF: 21-2012).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2012-133, A RESOLUTION AMENDING THE AGREEMENT WITH CAIN, RASH, WEST, ARCHITECTS FOR ARCHITECTURAL SERVICES FOR PHASE II AND PHASE III OF THE KINGSFORT FARMER'S MARKET AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT**

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Execute a Release of Claims Form with Abingdon Roofing and Builders Mutual Insurance Company for Work Performed at Lynn View Community Center and the Renaissance Center (AF: 25-2012).** City Manager Campbell commented that all of the costs to replace the equipment will be covered.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2012-134**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TWO RELEASE OF ALL CLAIMS WITH ABINGDON ROOFING AND BUILDERS MUTUAL INSURANCE COMPANY FOR WORK PERFORMED AT LYNN VIEW COMMUNITY CENTER AND THE RENAISSANCE CENTER AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RELEASES

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper for the Purchase of Property from the Industrial Development Board of the City of Kingsport, Tennessee for the Riverwalk Redevelopment Project** (AF: 9-2012). City Manager Campbell provided information on this item, noting the Kingsport Economic Development Board had bought this property on behalf of the city three years ago. The money will be taken from the Riverwalk project from designated bonds.

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2012-135**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY FROM THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE FOR THE KINGSFORT RIVERWALK PROJECT

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Joh/Shupe, to adopt:

**1. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2011** (AF: 13-2012).

Adopt:

**Ordinance No. 6168**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE WATER AND SEWER FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2011; FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Parham, Segelhorst, Shupe and Phillips voting "aye" and McIntire voting "nay."



**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, January 24, 2012**

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell welcomed new School Superintendent Lyle Ailshie, although he does not officially take office until March. Mr. Campbell also expressed his appreciation of Mayor Phillips considering personal circumstances.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe commented that Mayor Phillips was an amazing leader.


Alderman Joh stated the Mayor was doing a good job and the Board of Mayor and Aldermen have done a lot to move Kingsport forward. She also commented that she was sorry people in the urban growth boundary were not happy. Ms. Joh further stated that although people don't like change, with the right amount of thought behind it, it could be beneficial.

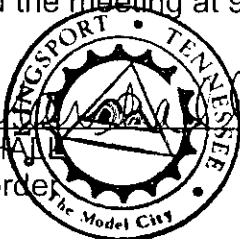
Alderman Mallicote pointed out the dye was cast when the two interstates were built and that development was coming. He stated we could either organize the chaos or just let it happen. Mr. Mallicote further stated there was no "us versus them," being city versus outside residents, but the surrounding area would go the way Kingsport goes. He noted that although there was acute pain with this annexation, it would make Kingsport stronger and more viable.

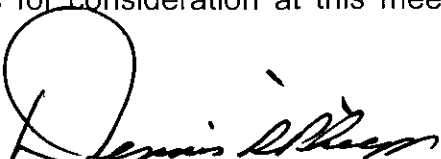
Alderman Segelhorst offered his condolences to Mayor Phillips and James Phillips.

**C. VISITORS.** Mr. James Brotherton thanked the city for fixing the bump in the road at Hardees on Highway 36, and pointed out there was another one on Shipley Ferry Road.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:10 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor